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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

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THE PEOPLE,

Plaintiff and Respondent,

v.

JOHNNY LEE BURKE,

Defendant and Appellant.

C076763

(Super. Ct. Nos. 13F2744,  
13F1921, 12F6058, 11F2800)

Defendant Johnny Lee Burke pleaded no contest to various charges in multiple cases in exchange for an aggregate state prison sentence of 20 years. The trial court sentenced defendant accordingly.

On appeal, defendant contends only that the abstract of judgment erroneously reflects a reimbursement order for \$720 in attorney fees for defendant's public defender. The People concede the error.

We agree that because the trial court found that defendant did not have the ability to pay attorney fees and declined to order any payment at sentencing, the order to pay

contained in the abstract should be stricken. (See *People v. Mitchell* (2001) 26 Cal.4th 181, 185-186.)

### **DISPOSITION**

The judgment is affirmed. The trial court is directed to prepare a corrected abstract of judgment, deleting the order to pay attorney fees, and to forward a certified copy of the corrected abstract to the Department of Corrections and Rehabilitation.

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DUARTE, J.

We concur:

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ROBIE, Acting P. J.

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MAURO, J.